UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,077	04/18/2001	Michael E.S. Luna	03399P047	9556

26529	7590	07/28/2004

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EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/838,077	LUNA ET AL.
	Examiner	Art Unit
	David Lazaro	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 May 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-29_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-29_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _08 August 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _05/05/03_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-29 are pending in this Office Action.

Papers Received

2.   Oath/Declaration and associated Fees were received on 08/08/2001.

3.   Request for Corrected Filing Receipt received on 12/10/01.

4.   Request to rescind previous nonpublication request received on 04/01/02.

5.   Petition for revival received 05/14/03. Petition was dismissed as moot in correspondence to applicant mailed on 06/27/03.

Information Disclosure Statement

6.   The information disclosure statement (IDS) submitted on 05/05/03 has been considered by the Examiner.

Claim Objections

7.   Claims 2, 3 and 5, and 19, 20 and 22 are objected to because of the following informalities: "the request to access the on-line service" from Claim 1 and Claim 18 is later referred to by these dependents in multiple ways - "the request", "the on-line request" and "the on-line service request". Any reference to a particular recurring limitation should be presented the same way each time for consistency and complete clarity. Appropriate correction is required.

8.   Claim 18 is objected to because of the following informalities: "to" is needed

between "order" and "process". Appropriate correction is required.

9.   Claim 7 is objected to because of the following informalities: "an network server"

should be "a network server". Appropriate correction is required.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11.   Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipate by U.S.

Patent 6,678,731 by Howard et al. (Howard).

12.   With respect to Claim 1, Howard teaches a method of using a communications

device to access an on-line service provided by a network server (Col. 1 lines 7-20), the

method comprising: accessing a proxy server based service (Col. 6 lines 58-67) in order

to obtain information required by the network server in order to process a request to

access the on-line service (Col. 7 lines 16-27 and lines 48-64); and sending the

information to the network server via a secure connection with the network server (Col.

9 lines 57-62).

13.   With respect to Claim 2, Howard teaches all the limitations of Claim 1 and further

teaches determining what information is required by the network server in order to

process the request (Col. 9 lines 19-45).

14.   With respect to Claim 3, Howard teaches all the limitations of Claim 2 and further

teaches determining what information is required by the network server comprises:

sending the on-line request to the network server in a secure manner (Col. 9 lines 57-62

and Col. 6 lines 43-48); and receiving a response to said request, said response being

indicative of the required information (Col. 9 lines 57-62).

15.   With respect to Claim 4, Howard teaches all the limitations of Claim 3 and further

teaches accessing the proxy based service includes forwarding said response to the

proxy server for processing (Col. 6 lines 53-57 and Col. 8 lines 56-65).

16.   With respect to Claim 5, Howard teaches all the limitations of Claim 3 and further

teaches the request is sent via a secure connection with the network server (Col. 9 lines

57-62) and the proxy server is accessed via a connection with the proxy server (Col. 8

lines 8 56-66), the method comprising establishing the connection with the proxy server

prior to establishing the connection with the network server (Col. 5 lines 61-67 and Col.

6 lines 58-62 and Col. 9 lines 5-10).

17.   With respect to Claim 6, Howard teaches a method for a proxy server to provide

a proxy server based service to a communications device (Col. 1 lines 7-20), the

method comprising: receiving a request from the communications device to access the

proxy server based service (Col. 6 lines 58-67); processing said request (Col. 7 lines

16-27 and lines 48-64); and sending the result of said processing to the

communications device for forwarding to a network server via a secure connection

previously established between the communications device and the network server

(Col. 8 lines 1-4 and Col. 9 lines 57-62).

18.   With respect to Claim 7, Howard teaches all the limitations of Claim 6 and further

teaches wherein the request is the form of a response previously generated by the

network server in reply to a request by the communications device to access an on-line

service provided by the network server (Col. 6 lines 43-66), the method then comprising

providing a protocol to understand said response (Col. 4 lines 3-13 and Col. 9 lines 19-

51).

19.   With respect to Claim 8, Howard teaches a method for a network server to

provide an on-line service to a communications device (Col. 1 lines 7-20), the method

comprising: receiving a request from the communications device to access the on-line

service (Col. 9 lines 19-21); generating a response to said request, the response

indicating additional information that is required by the network server in order to

process said request (Col. 9 lines 20-31) and said response being in a format which is

understandable by a proxy server associated with the communications device (Col. 4

lines 3-13 and Col. 8 lines 56-66); and sending the response to the communications device (Col. 9 lines 33-47).

20.   With respect to Claim 9, Howard teaches a communications device, comprising: a processor (Col. 4 lines 19-30); a memory device (Col. 4 lines 19-51) having stored therein a code, which when executed by the processor causes the communications device to allow a user to input a request to access an on-line service provided by an network server (Col. 9 lines 19-21); determine whether additional information is required by the network server in order to service the request (Col. 21-24); access a proxy server based service in order to obtain any additional information required by the network server (Col. 9 lines 20-47); and send a request to the network server, said request including the additional information (Col. 9 lines 43-47).

21.   With respect to Claim 10, Howard teaches all the limitations of Claim 9 and further teaches wherein the code to determine whether additional information is required by the network server comprises: instructions to establish a secure connection with the network server (Col. 9 lines 57-62); instructions to send the user input request to the network server via said secure connection (Col. 9 lines 57-62 and lines 19-22); and instructions to analyze a response to said request, received from the network server, in order to ascertain what additional information is required (Col. 9 lines 21-47).

22.   With respect to Claim 11, Howard teaches all the limitations of Claim 10 and further teaches wherein the code to access the proxy server based service comprises instructions to establish a connection with the proxy server, said instructions being

executable before the instructions to establish a connection with the network server

(Col. 5 lines 61-67 and Col. 6 lines 58-62 and Col. 9 lines 5-10).

23.   With respect to Claim 12, Howard teaches all the limitations of Claim 11 and

further teaches wherein the code to access the proxy based service comprises:

instructions to create a proxy service request based on the response from the network

server (Col. 9 lines 20-47); and instructions to send the proxy service request to the

proxy server via the connection with the proxy server (Col. 9 lines 20-47).

24.   With respect to Claim 13, Howard teaches all the limitations of Claim 11 and

further teaches wherein the code to access the proxy based service includes

instructions to forward the response from the network server to the proxy server via the

connection with the proxy server (Col. 9 lines 19-47 and Col. 8 lines 56-66).

25.   With respect to Claim 14, Howard teaches a proxy server comprising: a

processor (Col. 4 lines 19-22); and a memory device (Col. 4 lines 19-22), having stored

therein a code, which when executed by the processor causes the proxy server to:

receive a request from a communication device to access a proxy server based service

(Col. 6 lines 58-67) process the request (Col. 7 lines 20-47); and send the result of said

processing to the communications device for forwarding to a network server via a

secure connection previously established between the communications device and the

network server (Col. 9 lines 19-47 and Col. 8 lines 56-66).

26.   With respect to Claim 15, Howard teaches all the limitations of Claim 14 and

further teaches wherein the code has portions which when executed perform a

sequence of steps corresponding to a particular proxy service, the code further

comprising instructions to execute a portion of the code corresponding to a particular

proxy service based on the request from the communications device (Col. 7 lines 20-

47).

27.   With respect to Claim 16, Howard teaches all the limitations of Claim 14 and

further teaches wherein the memory device further comprises a protocol stored therein

to enable the processor to understand the request from the communications device, in

the event of said request being generated by a network server (Col. 9 lines 19-47 and

Col. 8 lines 56-66).

28.   With respect to Claim 17, Howard teaches a network server, comprising: a

processor (Col. 4 lines 19-22); and a memory device (Col. 4 lines 19-22) having stored

therein executable code, which when executed by the processor causes the network

server to receive a request from a communications device to access an on-line service

resident on the network server (Col. 9 lines 19-22); generate a response to said request

(Col. 9 lines 20-31), the response indicating what additional information is required by

the network server in order to process said request (Col. 9 lines 20-31) and said

response being in a format which is understandable by a proxy server associated with

the communications device; and send the response to the communications device (Col.

9 lines 33-47).

29.   With respect to Claim 18, Howard teaches a machine readable program storage

medium, having stored therein executable code, which when executed on a

communications device, performs a method of using a communications device to

access an on-line service provided by a network server (Col. 1 lines 7-20), the method

comprising: accessing a proxy server based service (Col. 6 lines 58-67) in order to

obtain information required by the network server in order process a request to access

the on-line service (Col. 7 lines 16-27 and lines 48-64); and sending the information to

the network server via a secure connection with the network server (Col. 9 lines 57-62).

30.   With respect to Claim 19, Howard teaches all the limitations of Claim 18 and

further teaches first determining what information is required by the network server in

order to process the request (Col. 9 lines 19-45).

31.   With respect to Claim 20, Howard teaches all the limitations of Claim 19 and

further teaches determining what information is required by the network server

comprises: sending the request to the network server in a secure manner (Col. 9 lines

57-62 and Col. 6 lines 43-48); receiving a response to said request, said response

being indicative of the required information (Col. 9 lines 57-62).

32.   With respect to Claim 21, Howard teaches all the limitations of Claim 20 and

further teaches accessing the proxy based service includes forwarding said response to

the proxy server for processing (Col. 6 lines 53-57 and Col. 8 lines 56-65).

33.   With respect to Claim 22, Howard teaches all the limitations of Claim 21 and

further teaches the on-line service request is sent via a secure connection with the

network server (Col. 9 lines 57-62) and the proxy server is accessed via a connection

with the proxy server (Col. 8 lines 56-66), the method comprising establishing the

connection with the proxy server prior to establishing the connection with the network

server (Col. 5 lines 61-67 and Col. 6 lines 58-62 and Col. 9 lines 5-10).

34.   With respect to Claim 23, Howard teaches a machine readable program storage

medium, having stored therein executable code, which when executed on a proxy

server, performs a method for the proxy server to provide a proxy server based service

to a communications device (Col. 1 lines 7-20), the method comprising: receiving a

request from the communications device to access the proxy server based service (Col.

6 lines 58-67); processing said request (Col. 7 lines 16-27 and lines 48-64); and

sending the result of said processing to the communications device (Col. 8 lines 1-4 and

Col. 9 lines 57-62).

35.   With respect to Claim 24, Howard teaches all the limitations of Claim 23 and

further teaches the request is the form of a response previously generated by the

network server in reply to a request by the communications device to access an on-line

service provided by the network server (Col. 6 lines 43-66), the method then comprising

providing a protocol to understand said response (Col. 4 lines 3-13 and Col. 9 lines 19-

51).

36.   With respect to Claim 25, Howard teaches a machine readable program storage

medium, having stored therein executable code, which when executed by a network

server, performs a method for the network server to provide an on-line service to a

communications device (Col. 1 lines 7-20), the method comprising: receiving a request

from the communications device to access the on-line service (Col. 9 lines 19-21);

generating a response to said request, the response indicating additional information

that is required by the network server in order to process said request (Col. 9 lines 20-

31) and said response being in a format which is understandable by a proxy server

associated with the communications device (Col. 4 lines 3-13 and Col. 8 lines 56-66);

and sending the response to the communications device (Col. 9 lines 33-47).

37.   With respect to Claim 26, Howard teaches a communications device (Col. 4 lines

14-17) comprising: means for allowing a user to input a request to access an on-line

service provided by a network server (Col. 9 lines 19-24); means for determining

whether additional information is required by the network server in order to service the

request (Col. 9 lines 19-24); means for accessing a proxy server based service in order

to obtain any additional information required by the network server (Col. 9 lines 19-45);

and means for sending a request to the network server, said request including the

additional information (Col. 9 lines 43-47 and Col. 8 lines 56-66).

38.   With respect to Claim 27, Howard teaches a proxy server comprising: means for

receiving a request from a communications device (Col. 9 lines 1-24 and Col. 8 lines 56-

66); means for processing the request (Col. 9 lines 24-44); and means for sending the

result of said processing to the communications device for forwarding to a network

server via a secure connection previously established between the communications

device and the network server (Col. 9 lines 45-47 and lines 47-62 and Col. 8 lines 56-

66).

39.   With respect to Claim 28, Howard teaches a method of using a communications

device to access an on-line service provided by a network server (Col. 1 lines 1-20), the

method comprising; establishing a connection between the communications device and

a proxy server (Col. 9 lines 5-10), the proxy server being configured to provide a proxy

based service to the communications device (Col. 9 lines 5-10); establishing a secure

connection between the communications device and a network server (Col. 9 lines 47-62); sending a request for information to the network server via the secure connection (Col. 9 lines 19-24); receiving a reply to the request from the network server, the reply being indicative of additional information required by the network server in order to process the request (Col. 9 lines 20-31); using the connection between the communications device and the proxy server to access the proxy server based service (Col. 8 lines 56-66), the service being able to provide the additional information (Col. 9 lines 33-47); receiving the additional information from the proxy server via the connection therewith (Col. 9 lines 33-47 and Col. 8 lines 56-66); and sending an enhanced request to the network server via the secure connection therewith, the enhanced request including the additional information (Col. 9 lines 33-47).

40.   With respect to Claim 29, Howard teaches a method for a proxy server to provide a proxy based service to a communications device (Col. 1 lines 1-20), the method comprising: receiving a request from the communications device to access the proxy server based service (Col. 9 lines 19-22 and Col. 8 lines 56-66); processing said request by generating an enhanced request including additional information provided by the proxy server based service (Col. 9 lines 20-47), the additional information being required by a network server in order to service a request for information sent by the communications device (Col. 9 lines 20-47) via a previously established secure connection with the network server (Col. 9 lines 57-62); and sending the enhanced request to the communications device for forwarding to the network server via the previously established secure connection (Col. 9 lines 43-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lazaro
July 23, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER